

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 26, 2004

D042463 People v. Texta

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McDonald, J.

D040112 Korea Water Resources v. Lee

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

D042419 In re Ahmed A., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

Clerk: D. E. Moore

D043317 In re Rowdy R. on Habeas Corpus

Matter called on merits. Robert W. Gehring, Esq. argued for petitioner, Rowdy R. Donna Kaiser, Esq. argued for petitioner, Alicia R. Debra Barringer, Deputy County Counsel argued for respondent. Mr. Gehring replied. Matter submitted.

Court adjourned at 9:20 a.m.

D041117 People v. Friesen

The abstract of judgment is ordered corrected to delete the one-year term for the section 667.5, subdivision (b) enhancement and to reflect a total term of 70 years to life. A certified copy of the amended abstract of judgment shall be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

D041271 Sammis Properties Corporation v. City of Carlsbad

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D043061 In re J.P., a Juvenile

The appeals are dismissed. McConnell, P.J.; We Concur: Huffman, J., McDonald, J.

D042392 Wills et al. v. Horne

Upon written stipulation filed by the parties the appeal is dismissed.

D043550 In re Gaddis on Habeas Corpus

The petition is denied.

D043597 Shirk v. Superior Court of San Diego County/Vista Unified School District et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 26, 2004 (Continued)

**D043547 Centre For Health Care Medical Associates/Superior Court of San Diego
County/McHugh**

The petition is denied. Petitioner has an adequate remedy by way of appeal.

D043533 In re Blanco on Habeas Corpus.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 27, 2004

D042465 Miller v. Superior Court of San Diego County/People

The petition for a writ of prohibition is denied. The stay issued by this court will dissolve by its own terms when this opinion becomes final. CERTIFIED FOR PUBLICATION. McIntyre, J.;
I concur: McConnell, P.J., I Dissent (by opinion): McDonald, J.

D041772 Ace Sandblasting Corp v. Leo's A-C, Inc., et al.

Pursuant to the representations made by the parties at oral argument on January 13, 2004, the appeal is dismissed.

D043531 Carlton v. Wasserman Family Trust et al.

The appellant having failed to timely pay the filing fee, the appeal is dismissed.

D042925 In re Joshua B., a Juvenile

D042981 In re Joshua B., a Juvenile

(consolidated) The consolidated appeals are dismissed. Aaron, J.; We Concur: McConnell, P.J.,
McDonald, J.

D042252 In re M.N., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Huffman, J.

**D043488 Randy K. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The attorney for petitioner Randy K. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D042216 In re Savannah B., a Juvenile

The orders are affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D042543 In re Cole P., a Juvenile

The judgment is affirmed. Irion, J., We Concur: McConnell, P.J., Haller, J.

D043123 In re Julian R., a Juvenile

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 27, 2004 (Continued)

D043068 Rosa V. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Let a writ of mandate issue directing the juvenile court to vacate the orders made at the October 8, 2003 hearings and to conduct further proceedings to determine if the Agency has complied with the notice requirements of the ICWA. If after proper inquiry and notice a tribe exercises a right to intervene, the court is directed to conduct a new six-month review hearing for Alejandro, Jr., and April and a new jurisdictional/dispositional hearing for Angel. If a tribe does not exercise a right to intervene, the court is authorized to reinstate the orders made at the October 8, 2003 hearings. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 24 (b)(3).) Nares, J. ; We Concur: McConnell, P.J., McIntyre, J.

D040838 Berger v. Kent

The order is affirmed. Kent's motion for sanctions for a frivolous appeal is denied. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D043317 In re Rowdy R. on Habeas Corpus

Let a writ issue directing the juvenile court to enter an order consistent with this opinion terminating James's parental rights after proper notice and opportunity to be heard. The court is directed to provide a copy of the order terminating James's parental right to this court on or before July 2, 2004. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

D043343 Rodriguez v. Milliron et al

Pursuant to California Rules of Court, rule 8, the appeal filed November 17, 2003, is dismissed for failure of appellant to timely deposit cost for preparing the record on appeal (Cal. Rules of Court, rule 4(b)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 28, 2004

D042450 Davis v. Pacific Aqua Farms, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D041554 People v. Roberts

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D043046 Candi D., et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are denied. Haller, J.; We Concur: McConnell, P.J., O'Rourke, J.

D041043 People v. Klat

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D043602 Nextel Communications Inc., et al. v. Superior Court of San Diego County/Wanzo

The petition is denied.

D043555 People v. Bozeman

The order denying post-conviction motion for modification of judgment is not appealable. The appeal is dismissed.

D041407 Thornton et al. v. Computer Education Institute, Inc., et al.

The order is affirmed. The plaintiffs are awarded costs on appeal. McConnell, P.J.; We Concur: Aaron, J., Irion, J.

D043067 Amanda J. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. McConnell, P.J.; We Concur: Benke, J., Nares, J.

D042666 In re Ryan B., a Juvenile

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

D042402 In re Alberto S., a Juvenile

The orders are affirmed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039832 State Compensation Insurance Fund v. San Diego Gas & Electric Company et al.

Order affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D041304 Haines v. City of San Diego

Order affirmed. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D042548 People v. Lindsey

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 28, 2004 (Continued)

D040186 Bernardo et al. v. Planned Parenthood Federation of America et al.

D040866 Bernardo et al. v. Planned Parenthood Federation of America et al.

(Consolidated) The orders are affirmed. Planned Parenthood shall recover its costs and attorney fees on appeal. (Dove Audio, INC. v. Rosenfeld, Meyer & Susman (1996) 47 Cal.App.4th 777, 785; Dowling, supra, 85 Cal.App.4th at p. 1434.) The cause is remanded to the trial court for a determination of the amount of reasonable attorney fees and costs Planned Parenthood shall recover from Bernardo under the provisions of section 425.16(c). CERTIFIED FOR PUBLICATION. Nares, Acting P.J.;
We Concur: McIntyre, J., O'Rourke, J.

D040637 Rancho Santa Fe Association v. Dolan-King

D041486 Rancho Santa Fe Association v. Dolan-King

(Consolidated case) The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 29, 2004

D043199 In re Violet H., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D042509 People v. Gardner

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Irion, J.

D041205 In re Marriage of Pavin

The judgment is affirmed. Appellant to bear respondent's costs on appeal.

D040535 People v. Escobar

The judgment is affirmed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

D041657 Koch v. R.E. Staite Engineering, Inc.

The judgement is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D042452 People v. Singleton

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

D040772 Roy v. City of Carlsbad

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D043662 Bravo v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 30, 2004

D041385 People v. Chavez

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

D042455 People v. Best

The judgment is affirmed. McDonald, J.; We Concur: Benke, J., McIntyre, J.

D040917 People v. Williams

Judgment affirmed. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D043527 Maraziti v. Superior Court of San Diego County/Griffiths

Let a writ of mandate issue directing the superior court to vacate its order of December 19, 2003, and to enter an order consistent with this opinion denying the motion for change of venue and for sanctions. The stay issued by this court on January 8, 2004, is vacated. Costs are awarded to the prevailing party in the writ proceeding. The opinion will be final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D041340 People v. Robitalille

D041722 (consolidated) The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D042127 Preszler v. Murphy et al.

Upon written request filed by appellant, the appeal is DISMISSED as to respondent James C. Murphy only and the remittitur is ordered to issue immediately as to that respondent only.

D042586 Rountree v. Superior Court of San Diego County/People

The petition is denied.

D043624 Hood & Strong v. Superior Court of San Diego County/Heyenga et al.

The petition is denied.